

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Shaunton Davis,

Plaintiff,

v.

Case No. 16-10831

Hon. Victoria A. Roberts

National Collegiate Student Loan
Trust 2005-3, a Delaware Statutory Trust, and
Shermeta Law Group, P.C.,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION (ECF No. 12)

This Court referred this action to Magistrate Judge Elizabeth A. Stafford to resolve all pretrial matters, except dispositive motions, pursuant to 28 U.S.C. §636(b). On June 13, 2016, Magistrate Judge Stafford entered an order requiring Davis to show cause in writing as to whether she properly served Defendant National Collegiate Student Loan Trust 2005-3 ("the Trust"). The Court gave Davis additional time, but Davis failed to properly complete service and did not respond to the show cause order. On July 12, 2016, Magistrate Judge Stafford submitted a report and recommendation (R&R) recommending Defendant National Collegiate Student Loan Trust 2005-3 be dismissed without prejudice.

Neither party filed objections within the time frame provided for in 28 U.S.C. §636(b)(1) and E.D. Mich. LR 72.1(d).

A United States District Court Judge may refer certain dispositive pretrial motions to a United States Magistrate Judge for submission of proposed findings of fact and a

recommendation. 28 U.S.C. § 636(b)(1)(B). This Court may accept, reject, or modify in whole or in part, the proposed findings and recommendations. 28 U.S.C. §636(b)(1)(C). The Court makes a *de novo* determination of any portion of the R&R to which objection is made. *Id.* The statute does not require review, by either the district court or the court of appeals, of any issue that is not the subject of an objection. *See, Thomas v. Arn*, 474 U.S. 140, 149 (1985). “[W]hile the statute does not require the [district] judge to review an issue *de novo* if no objections are filed, it does not preclude further review by the district judge, *sua sponte* or at the request of a party, under a *de novo* or any other standard.” *Id.* at 154. The district court judge retains “the ultimate authority to issue an appropriate order.” *Id.* at 153.

Magistrate Judge Stafford thoroughly lays out the facts in her R&R. She also applies relevant case law and gives well reasoned explanations for her conclusions.

The Court **ADOPTS** the Magistrate Judge’s R&R. Defendant National Collegiate Student Loan Trust 2005-3 is **DISMISSED WITHOUT PREJUDICE**.

IT IS ORDERED.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: August 10, 2016

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on August 10, 2016.

s/Linda Vertriest
Deputy Clerk